

City of Fort Lauderdale Planning and Zoning Board
STAFF REPORT
Case 51-R-03
October 15, 2003

Applicant	Yasat USA, Inc.	
Request	Site Plan Approval/Yard Modification	
Location	4201 N Ocean Blvd	
Legal Description	Bermuda-Riviera Subdivision of Galt Ocean Mile, P.B. 38, P. 46, Block B, Lot 5	
Property Size	13,311 s.f. or 0.3 acres	
Zoning	RMH-25	
Existing Land Use	Vacant	
Future Land Use Designation	Residential Medium	
Comprehensive Plan Consistency	Consistent with Future Land Use Element, Permitted Uses, Residential	
Other Required Approvals	Subject to 30-day City Commission Request for Review	
Applicable ULDR Sections	Sec. 47-5.20, RMH-25; Sec. 47-19.2.B, Accessory Structures; Sec. 47-23.11.A.3.c,d,e, Modification of Yards; Sec. 47-25.2, Adequacy; Sec. 47-25.3, Neighborhood Compatibility	
Setbacks/Yards Front (East) Rear (West) Side (North) Side (South)	Required	Proposed
	25' Min.	25' bldg. Façade/ 22' balconies
	20' Min.	20' bldg. Façade / 17' balconies/ 5' pool
	Half height of building = 14'8"	16'
	Half height of building = 14'8"	16'
Lot Density	7.63 Max.	7.0
Lot Size	5,000 s.f.	13,311 s.f. (0.31 Acres)
Lot Width	50' Min.	109'
Building Height	100' Max.	29'4"
Structure Length	200' (may be increased to 300')	72' 10"
Floor Area	NA	11,460 s.f. / FAR = 0.86
VUA Landscaping	6,000 s.f. x 20% = 1,200 s.f.	2,428 s.f.
Landscaping Lot Coverage	35%	35.05%, 4,665 s.f.
Open Space	NA	NA
Parking	14	15
Notification Requirements	Sign Notice	
Action Required	Approve, Approve with Conditions or Deny	
Project Planner	Name and Title	Initials
	Angela Csinsi, Planner II	
	Chris Barton, AICP, RLA, Principal Planner	
Authorized By	Bruce Chatterton, AICP, Planning and Zoning Services Manager	
Approved By		

Request:

This is an application for site plan approval with yard modifications for a seven-unit, three-level multifamily building on a 0.31-acre site. The request includes an increase in the overall amount of balconies permitted to extend up to three feet into the required yard, and the location of a swimming pool within the required rear yard.

Property/Project Description:

This proposal is to develop a seven unit, three level condominium building on a 0.31-acre site. In November 1999, the applicants applied for and the Board approved a similar site plan with yard modifications on this site. The applicant has reapplied for a minor modification of yards request for several balconies, which requires Site Plan Level III review.

The proposed structure itself meets the setbacks however the applicant is proposing balconies on the east and west facades, which pursuant to Sec. 47-19.2.B., are permitted to encroach three feet into the yard, but may only cover twenty percent (20%) of the total linear facade to which they are attached. Four balconies are proposed on each facade for a total of thirty-six (36) linear feet per facade. The length of the facade is seventy-two feet, ten inches (72'-10"); therefore they are requesting that forty-nine percent (49%) of the total linear façade be treated with balconies on the front and rear sides of the proposed building.

The applicant is also requesting the pool/spa be permitted five feet from the rear property line and seven feet five inches (7'-5") feet from the side property line. Pools are permitted five feet from the property line for single family, duplex, townhouses and cluster dwellings, but for multifamily dwellings the setback for pools is the same as for the structure. The yard modification requested for the pool is listed above.

This parcel abuts an eleven (11) foot wide nonbuildable parcel owned by the residential property owner on the west side of N.E. 34 Ave., as is the case all along N.E. 34 Ave. This strip is used as a landscape buffer. In addition, there is a five-foot wide sidewalk and approximately ten feet of swale west of the sidewalk. As part of a neighborhood improvement program, a six-foot high wall has been constructed between the applicant's parcel and the landscape buffer strip. The pool is actually thirty-four (34) feet from the edge of pavement of N.E. 34 Ave. and behind the existing six-foot wall.

Parking and Traffic:

There are fourteen (14) parking spaces required and (fifteen) 15 are provided. There were no comments from the Engineering Division regarding traffic impacts.

Adequacy and Neighborhood Compatibility:

See attached narrative provided by the applicant intended to demonstrate how they meet the Adequacy requirements. **(Exhibit 1)**. The applicant must also demonstrate how they meet the Neighborhood Compatibility requirements.

Yard Modifications:

The *applicant* must demonstrate that the yard modification criteria have been met. ULDR Sec. 47-23.11 states the following:

- A. *Criteria for modification of required yards.* The Planning and Zoning board shall upon written application for site plan level III approval, as provided in Sec. 47-24.2, Development Permits and Procedures, consider a request to modify the required yards as specified in the Table of Dimensional Regulations within the RMM-25, **RMH-25** and RMH-60 residential zoning districts, and may change such minimum yard requirements, provided, however, that the following additional criteria for such approval are met:
1. By adjusting the location of the structure on the site, an architectural and/or engineering study can graphically prove that a superior site development as relating to shadows will result from such adjustment; **or**
 2. By adjusting the location of the structure on the site when the site abuts the Intracoastal Waterway or other permanent public open space, land or water and it is found that allowing a reduction is compatible with adjacent properties, as defined in this section; **or**
 3. By adjustment of yards it is found that:
 - a. There is continuity of yards between the proposed development and adjacent properties; **and**
 - b. There is continuity of architectural features with adjacent properties which encourages public pedestrian interaction between the proposed development and the public street; **or instead of subsections A.3.a and b, it is found that;**
 - c. There is continuity of architectural features with adjacent properties. Architectural features include but are not limited to those listed in subsection A.3.e; **and**
 - d. There is continuity of urban scale with adjacent properties. Urban scale includes height, proximity to street front and relationship of building size to the lot size;
 - e. **In addition to the reduction in minimum yards meeting subsections A.3.a and b or subsections A.3.c and d,** the development includes a minimum of four (4) of the following architectural features: Terracing; variation in rooflines; cantilevering; angling; balconies; arcades; uniform cornice heights; color and material banding; building mass changes; courtyards; plazas and landscaped areas which encourage pedestrian interaction between the development site and a public street.

4. **In addition to subsection A.1, 2, or 3** the following shall be met:
 - a. The applicable minimums pertaining to all other zoning requirements applicable to the development are met.
 - b. A structure with a required yard proposed to be modified that is located on a development site abutting or separated only by a right-of-way from the Intracoastal Waterway or other permanent public open space, land or water shall not cast a shadow that exceeds fifty percent (50%) of such public water or land area at any time between the hours of 9:00 a.m. and 5:00 p.m. on March 21 (vernal equinox). For sites along the Atlantic Ocean, the public area subject to review shall be the sandy beach westward of the mean high water line as defined in Section 47-2, Measurements. The public open space, land or water as described in this section shall be measured by extending a line from the points where the property lines intersect at the corners of the development site abutting the public area or separated from the area by a right-of-way, and extending those lines across the public area perpendicular to the development site.
 - c. That the intent and spirit of the dimensional regulations, of the applicable district concerning yards as relating to air, light and shadow is maintained.
5. **Definitions.** For the purpose of this subsection:
 - a. **Adjacent properties.** Shall mean buildings located on the same side of and fronting the same right-of-way as the proposed development and within a six hundred (600) foot distance on one (1) side or three hundred (300) foot distance on both sides of the proposed development.
 - b. **Continuity.** Shall mean that the same setback or feature exists on adjacent properties to an extent which furthers a sense of order and harmony along the street front.

The applicant states that this project meets the ULDR criteria for yard modifications, specifically Sec. 47-23.11.A.3.c.d. and e in that there is continuity of architectural features with adjacent properties and continuity of urban scale by maintaining a building height of three stories consistent with adjacent properties. In addition the development uses variation in roofline, balconies, bay window cantilevering and color and material banding. (Exhibit 2)

Staff concurs.

Comprehensive Plan Consistency:

This application is consistent with the Future Land Use Element, Permitted Uses, Residential Use. It is also consistent with Objective 19 of the Future Land Use Element which states: "In existing neighborhoods, development shall be compatible with present neighborhood density and with specific plans for redevelopment and revitalization."

Staff Determination:

Staff concurs that this application is in compliance with the following code sections: Sec. 47-5.20, RMH-25; Sec. 47-19.2.B, Accessory Structures; Sec. 47-23.11.A.3.c,d,e, Modification of Yards and Sec. 47-25.2, Adequacy.

The applicant must demonstrate that they meet the following section: Sec. 47-25.3, Neighborhood Compatibility.

Planning & Zoning Board Options:

1. If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for Site Plan Level III review, the Planning and Zoning Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the Site Plan Level III permit.
2. If the Planning and Zoning Board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall deny the Site Plan Level III permit.

Should the Board approve the proposed development, the following conditions are proposed by staff:

1. The proposed development is in an area that has the potential to generate impacts from construction debris due to high winds and close proximity to existing uses. As such, in order to ensure that construction debris remains on site and does not become a nuisance to neighboring properties, prior to application for a building permit, a Construction Debris Mitigation Plan shall be submitted to include but not be limited to the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
2. All construction will require approval from all pertinent environmental review agencies.
3. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
4. Final DRC approval.

City of Fort Lauderdale
Building Services Division Construction Debris Mitigation Policy

Section 24-11 Construction Sites, of the City of Fort Lauderdale Code of Ordinances is for the purpose of controlling construction debris. In accordance with the Code, any property under construction is required to contain construction debris on the subject property site. In an effort to ensure that construction debris does not spillover onto adjacent sites, the Building Services Division will require the following mitigation measures as minimum conditions to prevent the spillover of construction debris onto adjacent properties. These measures are to be included in a Construction Debris Mitigation Plan, which will be submitted to the Building Official, prior to the issuance of a building permit for the subject project. Additional measures may be required to ensure compliance with the Code, as deemed necessary by the Building Official.

1. Extermination of the site and buildings prior to demolition. A certificate certifying that the site has been exterminated is required to obtain a demolition permit.
2. Wet demolition of existing buildings is required to minimize dust.
3. Install and maintain a 6' screening (wind blown) on all ground level perimeter site fencing to minimize dust and debris blowing out to surrounding buildings.
4. Adherence to all state and county regulations with regards to the handling of asbestos in existing buildings.
5. Provide for construction employee parking and construction staging areas, to be reviewed and approved by the City's Engineering Department, and as necessary the City's Zoning and Parking Divisions.
6. The Building Division will require measures to minimize the airborne concrete when pouring. Such measures may include, but are not limited to, use of a wet saw when cutting concrete, wind screens around saws on concrete work deck; wind screens on end of concrete pump hose, etc.
7. The Building Division will require measures to minimize airborne debris from all open floors, including but not limited to, a requirement that each floor undergoing construction activity be wrapped to control the spillover of concrete and dust onto adjacent properties.
8. Sweeping compound will be required to minimize dust when sweeping the open floors of the building.
9. Broom cleaning of adjacent streets and sidewalks is required on a daily basis.
10. A hot line telephone number for the subject property is required to address issues as they arise.
11. On site visits by City Building Inspectors and other building officials will occur, as needed, to ensure that the concerns of adjacent property owners regarding construction debris and noise are being properly and timely addressed. The costs incurred for such inspections will be borne by the applicant